

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

Bank of America, N.A.,

Plaintiff,

v.

Jasmine Court, Inc.; Jadwiga M. Krypla,

Defendants.

Case No. 24-cv-2984

Assigned Judge: Franklin U. Valderrama

Magistrate Judge: Jeffrey Cole

PLAINTIFF'S RULE 55 MOTION FOR DEFAULT JUDGMENT

NOW COMES Plaintiff, Bank of America, N.A., ("Plaintiff"), through its attorneys PLUNKETT COONEY, P.C., and moves this Court for entry of a default judgment against Jasmine Court, Inc. ("Borrower") and Jadwiga M. Krypla ("Guarantor" and collectively with "Borrower" the "Defendants") as to Plaintiff's complaint pursuant to Federal Rule of Civil Procedure 55, and in support thereof states as follows:

1. Plaintiff filed its Complaint on April 12, 2024.
2. Borrower was duly served through the Illinois Secretary of State (hereinafter the "ILSOS") on April 24, 2024. Exhibit 1 (Doc. 6).
3. Service of process on ILSOS is proper pursuant to 805 ILCS 5/5.25(b)(5), which provides in part:

(b) The Secretary of State shall be irrevocably appointed as an agent of any domestic corporation or of a foreign corporation having authority upon whom any process, notice, or demand may be served:

- (1) Whenever the corporation shall fail to appoint or maintain a registered agent in this State, or
- (2) Whenever the corporation's registered agent cannot with reasonable diligence be found at the registered office in this State, or
- (3) When a domestic corporation has been dissolved, the conditions of paragraph (1) or paragraph (2) exist, and a civil action, suit or proceeding is instituted against or affecting the corporation within the

five years after the issuance of a certificate of dissolution or the filing of a judgment of dissolution

4. Borrower is a domestic corporation whose registration with the ILSOS was dissolved on September 8, 2023 (see Exhibit 2) and Plaintiff could not locate the registered agent for Borrower (see *infra* para 6).
5. Service was made on the ISOS in accordance with 805 ILCS 5/5.25(c) by serving via a Special Process Server, a copy of the Summons, Complaint, Affidavit of Compliance, and required fee. Notice of service on the ILSOS and a copy of the Summons, Complaint, and Affidavit of Compliance were sent to the last registered office of the corporation as shown in the records of the ILSOS and the address at which actual notice is most likely to be received, as required by the ILSOS. See Exhibit 1.
6. As for Guarantor, on June 28, 2024 this Court granted Plaintiff's motion for alternative service. A copy of the order is attached as Exhibit 3.
7. Guarantor was duly served as required by that order. See Group Exhibit 4.
8. Twenty-One days have passed since Defendants were served, yet both Defendants have failed to answer, plead, or otherwise defend the allegations of Plaintiff's Complaint.
9. Defendants' failure to defend and deny the allegations of Plaintiff's complaint results in those allegations being admitted and Plaintiff therefore moves the Court for the entry of Default Judgment.

10. Plaintiff's claim of damages is for a sum that is made certain by computation and is more specifically set forth in its supporting affidavit attached hereto as Exhibit 5.

WHEREFORE, the Plaintiff, Bank of America, N.A., respectfully requests this Court enter default judgment against Jasmine Court, Inc., and Jadwiga M. Krypla, jointly and severally, in the amount of \$136,139.23 plus \$1,123.92 in contractual per diem interest through September 6, 2024; \$881.58 in default interest through September 6, 2024; attorneys' fees in the amount of \$5,736.20; and litigation costs in the amount of \$1,433.21 for a total of \$145,314.14, and grant such further relief to which Plaintiff is entitled.

Bank of America, N.A.

By: /s/ Matthew L. Hendricksen
One of its Attorneys

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